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RECD PCT/PTO 17 MAY 2001

09/831376

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May 17, 2001

Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

CPB-MUL-8

Attention: PCT Application Branch

Dear Sir:

U. S. Patent Application
PCT No. PCT/EP99/08864
Inventor: Alfons Krug
DEVICE FOR NON-INVASIVELY DETECTING
THE OXYGEN METABOLISM IN TISSUES

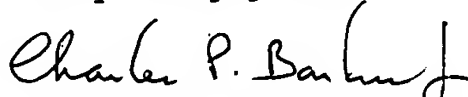
We enclose the following items for filing in the United States Patent and Trademark Office in connection with this patent application under 35 U.S.C. §371:

1. Transmittal Letter To DO/EO/US under §371.
2. English Translation of PCT/EP99/08864 including specification, claims, abstract and twenty (20) sheets of drawings.
3. Declaration for Utility Application.
4. Preliminary Amendment.
5. Copies of PCT Publication No. WO-00/28887, International Search Report and International Preliminary Examination Report.
6. Copy of Amendment dated July 13, 2000 and English translation of amendment.
7. Copy of Amendment dated Nov. 14, 2000 and English translation of amendment.
8. Copy of Form PCT/RO/101 (PCT Antrag).
9. Information Disclosure Statement.
10. Check for \$430.00 filing fee.

Applicant claims right of priority under 35 U.S.C. §119 based on German Patent Application No. 198 53 028.5, filed Nov. 18, 1998.

Please assign an application number and filing date to the application and send an filing receipt to applicant's attorney at the above address.

Very truly yours,


Charles P. Boukus, Jr.

CPB/rmb
Enclosures

FORM PTO-1390
(REV. 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INVENTOR'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

CPB-MUL-8

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/831376

INTERNATIONAL APPLICATION NO.

PCT/EP99/08864

INTERNATIONAL FILING DATE

18 November 1999

PRIORITY DATE CLAIMED

18 November 1998

TITLE OF INVENTION

DEVICE FOR NON-INVASIVELY DETECTING
THE OXYGEN METABOLISM IN TISSUES

APPLICANT(S) FOR DO/EO/US

ALFONS KRUG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

PCT Publication No. WO-00/28887
Form PCT/ISA/210 - International Search Report
Form PCT/RO/101 - PCT Antrag
Form PCT/IPEA/408 (17.08.2000) & Form PCT/IPEA/416 (19.02.2001)

U.S. APPLICATION NO. (if known, see 37 CFR 1.2)

09/831376

INTERNATIONAL APPLICATION NO.
PCT/EP99/08864ATTORNEY'S DOCKET NUMBER
CPB-MUL-821. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO. \$1000.00International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00International preliminary examination fee (37 CFR 1.482) paid to USPTO
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00International preliminary examination fee (37 CFR 1.482) paid to USPTO
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

\$ 860.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ |
|--|--------------|--------------|------------|---------------------------|
| Total claims | - 20 = | | x \$18.00 | \$ |
| Independent claims | - 3 = | | x \$80.00 | \$ |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$270.00 | \$ |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 860.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ 430.00 |
| SUBTOTAL = | | | | \$ 430.00 |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ |
| TOTAL NATIONAL FEE = | | | | \$ 430.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | \$ |
| TOTAL FEES ENCLOSED = | | | | \$ 430.00 |
| | | | | Amount to be refunded: \$ |
| | | | | charged: \$ |

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\$

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\$ 860.00

\$ 430.00

\$ 430.00

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\$ 430.00

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\$ 430.00

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- a. ☒ A check in the amount of \$ 430.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Charles P. Boukus, Jr.
Suite 202
2001 Jefferson Davis Highway
Arlington, Virginia 22202

Telephone: 703-415-2620

SIGNATURE

Charles P. Boukus, Jr.

NAME

No. 24,754

REGISTRATION NUMBER

09/831376

5. Air Post Card

[illegible]